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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,644	05/31/2006	Mikko Nevalainen	P3072US00	8265
30671 7590 05/26/2010 DITTHAVONG MORI & STEINER, P.C. 918 Prince Street Alexandria, VA 22314				
EXAMINER				
CASCA, FRED A				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
05/26/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Office Action Summary

Application No.

10/561,644

Applicant(s)

NEVALAINEN, MIKKO

Examiner

FRED A. CASCA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/22/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on April 22, 2010. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However, claims 1-16 and 19-36 are rejected in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11-16, 19-23, 25-29, 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelkar (US 2004/0198456 A1), further in view of Nishimura (US 20030114191) and still further in view of Thomas (US 6,453,160 B1).

Referring to claim 1, Kelkar discloses a method (abstract and figures 1-2 and Par. 34) comprising:

detecting that an interchangeable memory has been connected to a mobile terminals device which includes an interface for connecting to an interchangeable memory (Fig. 1-2, paragraphs 20, 34, , note communication takes place, thus memory card detection is inherent. Further note that the terminal connects to a memory unit and the connection has to take place via an interface) and a cellular network interface (Fig. 1, and par. 14),

retrieving a network address of a network server by the mobile terminal device in response to detecting connection of the interchangeable memory (paragraphs 2, 7, 26, 20, 34 and 35, “the external memory interconnect 50 can, for example, comprise a structure for physically engaging external contacts”, “Internet”, note that connecting to the Internet implies connecting a server in the Internet), and automatically setting up a connection between the mobile terminal device and said server via said cellular network interface and activating a cellular network application (Fig. 1, and paragraph 2, 7, 15, 26, 28, and 34, note that the memory storage device 105 includes a card processor that connects with a restricted URL list file).

Kelkar is silent on whether or not the interchangeable memory is being separated from a SIM card of the mobile device.

Nishimura discloses that an interchangeable memory card is being separated from a SIM card of the mobile device. (Figures 1 and 4, items, 19, 20, C1 and C2, and paragraphs 22, 38 and 39). An advantage of having a separate interchangeable memory card is to avoid overloading the SIM card and thus, providing an efficient communication system.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the Kelkar in the format claimed for the purpose of providing an efficient communication system.

The above combination is silent on whether or not the cellular network application is being independent from a cellular network communication application activated via the SIM card of the mobile device.

In the same field of endeavor, Thomas discloses a cellular network application that is being independent from a cellular network communication application activated via the SIM card of the mobile device (Fig. 1-2, and col. 1, lines 29-56, and col. 2, lines 53-67, note that gaming server that run a gaming application (cellular network application) is different than the cellular network communication application that is commonly used for cellular communications).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination in the format claimed such that the interchangeable memory of the Kelkar would set up an automatic connection with the gaming server of Thomas, for the purpose of providing convenience for subscribers.

Referring to claim 2, the combination of Kelkar/Nishimura/Thomas discloses the method according to claim 1, and further disclose said network address of said server is stored in said interchangeable memory, and that said network address of said server is retrieved from said interchangeable memory (Kelkar, paragraphs 26 and 34-35).

Referring to claim 3, the combination of Kelkar/Nishimura/Thomas discloses the method according to claim 1, and further disclose said network address of said server is stored in said mobile terminal device, and that said network address of said server is retrieved from said mobile terminal device (Kelkar, paragraphs 20, 21 and 34, note cell phone inherently store base station addresses).

Referring to 4, the combination of Kelkar/Nishimura/Thomas according to claim 1, and further disclose the cellular network application is stored on said interchangeable memory, and activated in an online mode (Nishimura, Par. 74, Thomas, col. 1, lines 29-56, note that the

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memory card C2 of Nishimura stores an arbitrary application process and the Thomas discloses an application (e.g., gaming application) in an online mode).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination such that the gaming application of Thomas is stored in the memory card C2 of Nishimura such that the gaming application become available in an online mode as disclosed by Thomas, for the purpose of proving convenience for the users.

Referring to claim 5, the combination of Kelkar/Nishimura/Thomas discloses the method according to claim 4, and further discloses said interchangeable memory contains application ID data of said cellular network application and in that said method further comprises retrieving said application ID data and transferring said application ID data to said connected server (Kelkar, Par. 20 and 34, Nishimura, Par. 69, Thomas, col. 1, lines 28-55).

Referring to claim 6, the combination of Kelkar/Nishimura/Thomas discloses the method according to claim 4, further comprising sending a user confirmation request to a user interface for setting up a connection to said server address via said network, and setting up a connection to said server at said server address via said network, only if said requested user confirmation is detected (Kelkar, Par. 20 and 34, Nishimura, Par. 69, Thomas, col. 1, lines 28-55).

Referring to claim 7, the combination of Kelkar/Nishimura/Thomas discloses the method according to claim 4 and further disclose obtaining preference data of a user for said cellular network application, and storing said preference data within said interchangeable memory (Kelkar, Par. 20 and 34, Nishimura, Par. 69, Thomas, col. 1, lines 28-55).

Referring to claim 8, the combination of Kelkar/Nishimura/Thomas disclose the method according to claim 4 further comprising retrieving preference data of a user for said cellular network application stored in said interchangeable memory, and transferring said preference data to said connected server (Kelkar, Par. 20 and 34, Nishimura, Par. 69, Thomas, col. 1, lines 28-55).

Referring to claims 12, 19 and 26, claims 12, 19 and 26 recite features analogous to the features defined by claim 1 (as rejected above). Thus, the combination of Kelkar/Nishimura/Thomas discloses all elements of claims 12, 19 and 26 (please see the rejection of claim 1 above).

Referring to claim 13, claim 13 recites features analogous to the features defined by claim 7 (as rejected above). Thus, the combination of Kelkar/Nishimura/Thomas discloses all elements of claim 13 (please see the rejection of claim 7 above).

Referring to claim 14, claim 14 recites features analogous to the features defined by claim 4 (as rejected above). Thus, the combination of Kelkar/Nishimura/Thomas discloses all elements of claim 14 (please see the rejection of claim 4 above).

Referring to claim 15, the combination of Kelkar/Nishimura/Thomas discloses the method according to claim 12, and further discloses said cellular network application is a cellular network game (Thomas, col. 1, lines 28-55).

Referring to claim 16, the combination of Kelkar/Nishimura/Thomas discloses a computer readable storage medium storing one or more sequences of one or more instructions which, when executed by one or more processors, cause an apparatus to carry out the method of

claim 1 (see the rejection of claim 1 and note that all the automatic interfaces, connections and communications are inherently run by a computer code).

Referring to claim 20, the combination of Kelkar/Nishimura/Thomas discloses a mobile terminal device according to claim 19, and further discloses interface for connecting an interchangeable memory is an interface for connecting an interchangeable memory that comprises said address of a server, and wherein said component for retrieving said server address is configured to retrieve said server address from said interchangeable memory (Kelkar, Par. 20 and 34, Nishimura, Par. 69, Thomas, col. 1, lines 28-55).

Referring to claim 21, the combination of Kelkar/Nishimura/Thomas discloses a mobile terminal device according to claim 19, and further disclose comprising a storage that stores said server address, wherein said storage is connected to said processor and wherein said component for retrieving said server address is configured to retrieve said server address from said storage (Kelkar, Par. 20 and 34, Nishimura, Par. 69, Thomas, col. 1, lines 28-55).

Referring to claim 22, the combination of Kelkar/Nishimura/Thomas discloses a mobile terminal device according to claim 19, and further disclose terminal device is further configured to retrieve application ID data of said cellular network application stored in said connected interchangeable memory and transferring said application ID data to said connected server (see the rejection of claim 5 above).

Claim 23 is analogous to the features of claim 6. Thus, it is rejected for the same reasons as set forth above in the rejection of claim 6.

Claim 25 is analogous to the features of claim 15. Thus, it is rejected for the same reasons as set forth above in the rejection of claim 15.

Referring to claim 27, the combination of Kelkar/Nishimura/Thomas discloses the interchangeable cellular memory device according to claim 26, and further discloses the data storage further stores a cellular network application (Kelkar, Par. 20 and 34, Nishimura, Par. 69, Thomas, col. 1, lines 28-55).

Claims 28-29 are analogous to the features of claims 5 and 7. Thus, they are rejected for the same reasons as set forth above in the rejection of claims 5 and 7.

Claims 31 and 32 are analogous to the features of claim 15. Thus, they are rejected for the same reasons as set forth above in the rejection of claim 15.

Referring to claims 35, claim 35 is rejected for the same reasons that claim 16 is rejected for (please see the rejection of claim 16 above).

Referring to claim 36, the combination of Kelkar/Nishimura/Thomas discloses the method of claim 1 and inherently discloses the interchangeable memory being detected while the mobile terminal is activated for wireless communication via SIM card (Kelkar, Par. 20-21, and see the rejection of claim 1 above, and note that the initial connection to the cellular network has to be established via the base station (Thomas, Figure 1) in order to connect the gaming server through the base station).

Referring to claim 9, the combination of Kelkar/Nishimura/Thomas discloses the method according to claim 1 and further discloses the server connects in a mobile terminal.

Kelkar does not specifically disclose server resides in another mobile terminal.

However, Thomas discloses that network gaming may be played between one or more players (col. 1, lines 29-35).

It would have been an obvious design choice to modify the above combination such that the server would reside in another mobile terminal since the applicant has not disclosed that having the server reside another mobile terminal would resolve any stated problem or is for any given purpose and it appears that having the server reside in a non-mobile terminal would work equally well.

Referring to claim 11, the combination of Kelkar/Nishimura/Thomas discloses the device of claim 9, and further disclose retrieving data of a user for a cellular multiplayer game stored in said interchangeable memory, and transferring preference data of a user to said connected game server (figures 2-9 and see rejection of claim 1), and game server, determining game status data of said cellular network game, and storing said data in said interchangeable memory, wherein said cellular network application is the cellular network game (Thomas, Figures 1-2 and see the rejection of claim 1).

Referring to claim 33, the combination of Kelkar/Nishimura/Thomas discloses the Interchangeable cellular online game memory device of claim 26, and further disclose the storage also contains a script to induce the connected mobile terminal to set up a network connection, wherein the reader is configured to retrieve said script (Kelkar, Par. 20-21 and 34, Thomas, col. 1, lines 28-55, and Nishimura, figures 1 and 4).

Referring to claim 34, the combination of Kelkar/Nishimura/Thomas discloses the device of claim 33, and further disclose a storage controller is provided to send said server address and

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said script to the interface (Kelkar, Par. 20-21 and 34, Thomas, col. 1, lines 28-55, and Nishimura, figures 1 and 4).

4. Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelkar (US 2004/0198456 A1), further in view of Nishimura (US 2003/0114191 A1) and still further in view of Thomas (US 6,453,160 B1), and still further in view of Messerges et al (US 2004/0133632 A1).

Referring to Claim 24, the combination of Kelkar/Nishimura/Thomas discloses the terminal device according to claim 19.

The combination is silent on whether or not the interchangeable memory card is a multimedia card.

Messerges discloses interchangeable memory card that is a multimedia card (par. 26).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the above combination such that a multimedia card is used as the memory card, for the purpose of allowing multimedia applications to be implemented and thus, providing an efficient communication system.

Claim 30 is rejected for the same reasons as set forth above in the rejection of claim 24.

5. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelkar (US 2004/0198456 A1), further in view of Nishimura (US 2003/0114191) and still further in view of Thomas (US 6,453,160 B1), and still further in view of well known prior art (MPEP 2144.03).

Referring to claim 10, the combination of Kelkar/Nishimura/Thomas discloses the device of claim 9, and further discloses storing said data in said interchangeable memory (figures 2-9).

The combination is silent on hot-swapping the interchangeable memory card with another as claimed.

The examiner takes official notice of the fact that hot-swapping memory cards is well known in the art.

It would have been obvious to a person of ordinary skill in the art the time of invention to modify the above combination in the format claimed for the purpose of providing an efficient communication device.

Response to Arguments

6. Applicant's arguments with respect to claims 1-16 and 19-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred A. Casca/

Examiner, Art Unit 2617

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617